



General Assembly

January Session, 2011

Committee Bill No. 5433

LCO No. 3895

03895HB05433HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING REPORTS OF CHILD ABUSE AND NEGLECT
AND THE RESPONSE OF SCHOOL DISTRICTS, THE DEPARTMENT
OF EDUCATION AND THE DEPARTMENT OF CHILDREN AND
FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-221d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Each local and regional board of education shall (1) require each
4 applicant for a position in a public school to state whether such person
5 has ever been convicted of a crime or whether criminal charges are
6 pending against such person at the time of such person's application,
7 (2) require each applicant for a position in a public school to submit to
8 a check of the Department of Children and Families child abuse and
9 neglect registry established pursuant to section 17a-101k, before such
10 applicant may be hired by such board, (3) require, subject to the
11 provisions of subsection (d) of this section, each person hired by the
12 board after July 1, 1994, to submit to state and national criminal history
13 records checks within thirty days from the date of employment and
14 may require, subject to the provisions of subsection (d) of this section,

15 any person hired prior to said date to submit to state and national
16 criminal history records checks, and [(3)] (4) require each worker (A)
17 placed within a school under a public assistance employment
18 program, (B) employed by a provider of supplemental services
19 pursuant to the No Child Left Behind Act, P.L. 107-110, or (C) on and
20 after July 1, 2010, in a nonpaid, noncertified position completing
21 preparation requirements for the issuance of an educator certificate
22 pursuant to chapter 166, who performs a service involving direct
23 student contact to submit to state and national criminal history records
24 checks within thirty days from the date such worker begins to perform
25 such service. The criminal history records checks required by this
26 subsection shall be conducted in accordance with section 29-17a. If the
27 local or regional board of education receives notice of a conviction of a
28 crime which has not previously been disclosed by such person to the
29 board, the board may (i) terminate the contract of a certified employee,
30 in accordance with the provisions of section 10-151, and (ii) dismiss a
31 noncertified employee provided such employee is notified of the
32 reason for such dismissal, is provided the opportunity to file with the
33 board, in writing, any proper answer to such criminal conviction and a
34 copy of the notice of such criminal conviction, the answer and the
35 dismissal order are made a part of the records of the board. In
36 addition, if the local or regional board of education receives notice of a
37 conviction of a crime by a person (I) holding a certificate, authorization
38 or permit issued by the State Board of Education, (II) employed by a
39 provider of supplemental services, or (III) on and after July 1, 2010, in a
40 nonpaid, noncertified position completing preparation requirements
41 for the issuance of an educator certificate pursuant to chapter 166, the
42 local or regional board of education shall send such notice to the State
43 Board of Education. The supervisory agent of a private school may
44 require any applicant for a position in such school or any employee of
45 such school to submit to state and national criminal history records
46 checks in accordance with the procedures described in this subsection.

47 (b) If a local or regional board of education, endowed or
48 incorporated academy approved by the State Board of Education

49 pursuant to section 10-34, or special education facility approved by the
50 State Board of Education pursuant to section 10-76d requests, a
51 regional educational service center shall arrange for the fingerprinting
52 of any person required to submit to state and national criminal history
53 records checks pursuant to this section or for conducting any other
54 method of positive identification required by the State Police Bureau of
55 Identification or the Federal Bureau of Investigation and shall forward
56 such fingerprints or other positive identifying information to the State
57 Police Bureau of Identification which shall conduct criminal history
58 records checks in accordance with section 29-17a. Such regional
59 educational service centers shall provide the results of such checks to
60 such local or regional board of education, endowed or incorporated
61 academy or special education facility. Such regional educational
62 service centers shall provide such results to any other local or regional
63 board of education or regional educational service center upon the
64 request of such person.

65 (c) State and national criminal history records checks for substitute
66 teachers completed within one year prior to the date of employment
67 with a local or regional board of education and submitted to the
68 employing board of education shall meet the requirements of
69 subdivision [(2)] (3) of subsection (a) of this section. A local or regional
70 board of education shall not require substitute teachers to submit to
71 state and national criminal history records checks pursuant to
72 subdivision [(2)] (3) of subsection (a) of this section if they are
73 continuously employed by such local or regional board of education.
74 For purposes of this section, substitute teachers shall be deemed to be
75 continuously employed by a local or regional board of education if
76 they are employed at least one day of each school year by such local or
77 regional board of education.

78 (d) (1) The provisions of this section shall not apply to a person
79 required to submit to a criminal history records check pursuant to the
80 provisions of subsection [(d)] (e) of section 14-44.

81 (2) The provisions of this section shall not apply to a student
82 employed by the local or regional school district in which the student
83 attends school.

84 (3) The provisions of subsection (a) of this section requiring state
85 and national criminal history records checks shall, at the discretion of a
86 local or regional board of education, apply to a person employed by a
87 local or regional board of education as a teacher for a noncredit adult
88 class or adult education activity, as defined in section 10-67, who is not
89 required to hold a teaching certificate pursuant to section 10-145b for
90 his or her position.

91 (e) The State Board of Education shall submit, periodically, a
92 database of applicants for an initial issuance of certificate,
93 authorization or permit pursuant to sections 10-144o to 10-149,
94 inclusive, to the State Police Bureau of Identification. The State Police
95 Bureau of Identification shall conduct a state criminal history records
96 check against such database and notify the State Board of Education of
97 any such applicant who has a criminal conviction. The State Board of
98 Education shall not issue a certificate, authorization or permit until it
99 receives and evaluates the results of such check and may deny an
100 application in accordance with the provisions of subsection (j) of
101 section 10-145b.

102 (f) The State Board of Education shall submit, periodically, a
103 database of all persons who hold certificates, authorizations or permits
104 to the State Police Bureau of Identification. The State Police Bureau of
105 Identification shall conduct a state criminal history records check
106 against such database and shall notify the State Board of Education of
107 any such person who has a criminal conviction. The State Board of
108 Education may revoke the certificate, authorization or permit of such
109 person in accordance with the provisions of subsection (j) of section 10-
110 145b.

111 (g) The State Board of Education shall require each applicant
112 seeking an initial issuance or renewal of a certificate, authorization or

113 permit pursuant to sections 10-144o to 10-149, inclusive, to submit to a
114 check of the Department of Children and Families child abuse and
115 neglect registry established pursuant to section 17a-101k. If notification
116 is received that the applicant is listed as a perpetrator of abuse on the
117 Department of Children and Families child abuse and neglect registry,
118 the board shall deny an application for the certificate, authorization or
119 permit in accordance with the provisions of subsection (j) of section 10-
120 145b or revoke the certificate, authorization or permit in accordance
121 with the provisions of subsection (j) of section 10-145b.

122 Sec. 2. Subsection (f) of section 17a-28 of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective July*
124 *1, 2011*):

125 (f) The commissioner or the commissioner's designee shall, upon
126 request, promptly provide copies of records, without the consent of a
127 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
128 or the Chief State's Attorney's designee, or a state's attorney for the
129 judicial district in which the child resides or in which the alleged abuse
130 or neglect occurred, or the state's attorney's designee, for purposes of
131 investigating or prosecuting an allegation of child abuse or neglect, (3)
132 the attorney appointed to represent a child in any court in litigation
133 affecting the best interests of the child, (4) a guardian ad litem
134 appointed to represent a child in any court in litigation affecting the
135 best interests of the child, (5) the Department of Public Health, in
136 connection with: (A) Licensure of any person to care for children for
137 the purposes of determining the suitability of such person for
138 licensure, subject to the provisions of sections 17a-101g, as amended by
139 this act, and 17a-101k, or (B) an investigation conducted pursuant to
140 section 19a-80f, (6) any state agency which licenses such person to
141 educate or care for children pursuant to section 10-145b or 17a-101j,
142 subject to the provisions of sections 17a-101g, as amended by this act,
143 and 17a-101k concerning nondisclosure of findings of responsibility for
144 abuse and neglect, (7) the Governor, when requested in writing, in the
145 course of the Governor's official functions or the Legislative Program

146 Review and Investigations Committee, the joint standing committee of
147 the General Assembly having cognizance of matters relating to the
148 judiciary and the select committee of the General Assembly having
149 cognizance of matters relating to children when requested in the
150 course of said committees' official functions in writing, and upon a
151 majority vote of said committee, provided no names or other
152 identifying information shall be disclosed unless it is essential to the
153 legislative or gubernatorial purpose, (8) a local or regional board of
154 education, provided the records are limited to (A) educational records
155 created or obtained by the state or Connecticut-Unified School District
156 #2, established pursuant to section 17a-37, or (B) a check of the state's
157 child abuse and neglect registry established pursuant to section 17a-
158 101k, subject to the provisions of sections 17a-101g, as amended by this
159 act, and 17a-101k concerning nondisclosure of findings of
160 responsibility for abuse and neglect, (9) a party in a custody
161 proceeding under section 17a-112 or 46b-129, in the Superior Court
162 where such records concern a child who is the subject of the
163 proceeding or the parent of such child, (10) the Chief Child Protection
164 Attorney, or his or her designee, for purposes of ensuring competent
165 representation by the attorneys whom the Chief Child Protection
166 Attorney contracts with to provide legal and guardian ad litem
167 services to the subjects of such records and to ensure accurate
168 payments for services rendered by such contract attorneys, (11) the
169 Department of Motor Vehicles, for purposes of checking the state's
170 child abuse and neglect registry pursuant to subsection (e) of section
171 14-44, and (12) a judge of the Superior Court and all necessary parties
172 in a family violence proceeding when such records concern family
173 violence with respect to the child who is the subject of the proceeding
174 or the parent of such child who is the subject of the proceeding. A
175 disclosure under this section shall be made of any part of a record,
176 whether or not created by the department, provided no confidential
177 record of the Superior Court shall be disclosed other than the petition
178 and any affidavits filed therewith in the superior court for juvenile
179 matters, except upon an order of a judge of the Superior Court for

180 good cause shown. The commissioner shall also disclose the name of
181 any individual who cooperates with an investigation of a report of
182 child abuse or neglect to such law enforcement agency or state's
183 attorney for purposes of investigating or prosecuting an allegation of
184 child abuse or neglect. The commissioner or the commissioner's
185 designee shall, upon request, subject to the provisions of sections 17a-
186 101g, as amended by this act, and 17a-101k, promptly provide copies
187 of records, without the consent of the person, to (A) the Department of
188 Public Health for the purpose of determining the suitability of a person
189 to care for children in a facility licensed under sections 19a-77 to 19a-
190 80, inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, [and] (B) the
191 Department of Social Services for determining the suitability of a
192 person for any payment from the department for providing child care,
193 and (C) the superintendent of any school district for the purpose of
194 determining the suitability of a person to be employed by such school
195 district.

196 Sec. 3. Section 17a-101 of the general statutes is repealed and the
197 following is substituted in lieu thereof (*Effective July 1, 2011*):

198 (a) The public policy of this state is: To protect children whose
199 health and welfare may be adversely affected through injury and
200 neglect; to strengthen the family and to make the home safe for
201 children by enhancing the parental capacity for good child care; to
202 provide a temporary or permanent nurturing and safe environment for
203 children when necessary; and for these purposes to require the
204 reporting of suspected child abuse or neglect, investigation of such
205 reports by a social agency, and provision of services, where needed, to
206 such child and family.

207 (b) The following persons shall be mandated reporters: Any
208 physician or surgeon licensed under the provisions of chapter 370, any
209 resident physician or intern in any hospital in this state, whether or not
210 so licensed, any registered nurse, licensed practical nurse, medical
211 examiner, dentist, dental hygienist, psychologist, [coach of intramural

212 or interscholastic athletics, school superintendent, school teacher,
213 school principal, school guidance counselor, school paraprofessional,
214 school coach] a school employee, as defined in section 53a-65, social
215 worker, police officer, juvenile or adult probation officer, juvenile or
216 adult parole officer, member of the clergy, pharmacist, physical
217 therapist, optometrist, chiropractor, podiatrist, mental health
218 professional or physician assistant, any person who is a licensed or
219 certified emergency medical services provider, any person who is a
220 licensed or certified alcohol and drug counselor, any person who is a
221 licensed marital and family therapist, any person who is a sexual
222 assault counselor or a battered women's counselor as defined in
223 section 52-146k, any person who is a licensed professional counselor,
224 any person who is a licensed foster parent, any person paid to care for
225 a child in any public or private facility, child day care center, group
226 day care home or family day care home licensed by the state, any
227 employee of the Department of Children and Families, any employee
228 of the Department of Public Health who is responsible for the licensing
229 of child day care centers, group day care homes, family day care
230 homes or youth camps, the Child Advocate and any employee of the
231 Office of the Child Advocate and any family relations counselor,
232 family relations counselor trainee or family services supervisor
233 employed by the Judicial Department.

234 (c) The Commissioner of Children and Families shall develop an
235 educational training program and refresher training program for the
236 accurate and prompt identification and reporting of child abuse and
237 neglect. Such training program and refresher training program shall be
238 made available to all persons mandated to report child abuse and
239 neglect at various times and locations throughout the state as
240 determined by the Commissioner of Children and Families. Such
241 training program shall be provided to all new school employees, as
242 defined in section 53a-65, prior to the start of the school year.

243 (d) Any mandated reporter, as defined in subsection (b) of this
244 section, who fails to report to the Commissioner of Children and

245 Families pursuant to section 17a-101a, as amended by this act, shall be
246 required to participate in an educational and training program
247 established by the commissioner. The program may be provided by
248 one or more private organizations approved by the commissioner,
249 provided the entire costs of the program shall be paid from fees
250 charged to the participants, the amount of which shall be subject to the
251 approval of the commissioner.

252 (e) On or before October 1, 2011, the Department of Children and
253 Families, in consultation with the Department of Education, shall
254 develop a model mandated reporting policy for use by local and
255 regional boards of education. Such policy shall set forth applicable
256 state law regarding mandated reporting and any relevant information
257 that may assist school districts in the performance of mandated
258 reporting. Such policy shall include, but not be limited to, the
259 following information: (1) Those persons employed by the local or
260 regional board of education who are required pursuant to this section
261 to be mandated reporters, (2) the type of information that is to be
262 reported, (3) the time frame for both written and verbal mandated
263 reports, (4) a statement that the school district may conduct its own
264 investigation into an allegation of abuse or neglect by a school
265 employee, provided such investigation does not impede an
266 investigation by the Department of Children and Families, and (5) a
267 statement that retaliation against mandated reporters is prohibited.
268 Such policy shall be updated and revised as necessary.

269 Sec. 4. Section 17a-101i of the general statutes is repealed and the
270 following is substituted in lieu thereof (*Effective July 1, 2011*):

271 (a) Notwithstanding any provision of the general statutes, after an
272 investigation has been completed and the Commissioner of Children
273 and Families, based upon the results of the investigation, (1) has
274 reasonable cause to believe that a child has been abused or neglected
275 by a school employee, as defined in section 53a-65, who has been
276 entrusted with the care of a child and who holds a certificate, permit or

277 authorization issued by the State Board of Education, [and the
278 commissioner] or (2) has recommended that such employee be placed
279 on the Department of Children and Families child abuse and neglect
280 registry established pursuant to section 17a-101k, the commissioner
281 shall, not later than five working days after such finding, notify the
282 employing superintendent and the Commissioner of Education of such
283 finding and shall provide records, whether or not created by the
284 department, concerning such investigation to the superintendent
285 [who] and the Commissioner of Education. The superintendent shall
286 suspend such school employee. The [commissioner] Commissioner of
287 Children and Families shall provide such notice whether or not the
288 child was a student in the employing school or school district. Such
289 suspension shall be with pay and shall not result in the diminution or
290 termination of benefits to such employee. [Within] Not later than
291 seventy-two hours after such suspension the superintendent shall
292 notify the local or regional board of education and the Commissioner
293 of Education, or the commissioner's representative, of the reasons for
294 and conditions of the suspension. The superintendent shall disclose
295 such records to the Commissioner of Education and the local or
296 regional board of education or its attorney for purposes of review of
297 employment status or the status of such employee's certificate, permit
298 or authorization. The suspension of a school employee employed in a
299 position requiring a certificate shall remain in effect until the board of
300 education acts pursuant to the provisions of section 10-151. If the
301 contract of employment of such certified school employee is
302 terminated, or such certified school employee resigns such
303 employment, the superintendent shall notify the Commissioner of
304 Education, or the commissioner's representative, within seventy-two
305 hours after such termination. Upon receipt of such notice from the
306 [superintendent] Commissioner of Children and Families, the
307 Commissioner of Education may commence certification revocation
308 proceedings pursuant to the provisions of subsection (j) of section 10-
309 145b. Notwithstanding the provisions of sections 1-210 and 1-211,
310 information received by the Commissioner of Education, or the

311 commissioner's representative, pursuant to this section shall be
312 confidential subject to regulations adopted by the State Board of
313 Education under section 10-145g.

314 (b) [After] Not later than five working days after an investigation
315 has been completed, [and] if (1) the Commissioner of Children and
316 Families, based upon the results of the investigation, has reasonable
317 cause to believe that a child has been abused or neglected by a staff
318 member of a public or private institution or facility providing care for
319 children or private school, [the commissioner shall notify the executive
320 director of such institution, school or facility and shall provide records,
321 whether or not created by the department concerning such
322 investigation to such executive director. Such] and (2) the
323 commissioner recommends that such staff member be placed on the
324 child abuse and neglect registry established pursuant to section 17a-
325 101k, such institution, school or facility [may] shall suspend such staff
326 person. Such suspension shall be with pay and shall not result in
327 diminution or termination of benefits to such [employee] staff person.
328 Such suspension shall remain in effect until the incident of abuse or
329 neglect has been satisfactorily resolved by the employer of the staff
330 person or until an appeal, conducted in accordance with section 17a-
331 101k, has resulted in a finding that such staff person is not responsible
332 for the abuse or neglect or does not pose a risk to the health, safety or
333 well-being of children. If such staff member has a professional license
334 or certificate issued by the state or a permit or authorization issued by
335 the State Board of Education or if such institution, school or facility has
336 a license or approval issued by the state, the commissioner shall
337 forthwith notify the state agency responsible for issuing such license,
338 certificate, permit, approval or authorization to the staff member and
339 provide records, whether or not created by the department, concerning
340 such investigation.

341 (c) If a school employee, as defined in section 53a-65, or any person
342 holding a certificate, permit or authorization issued by the State Board
343 of Education under the provisions of sections 10-144o to 10-149,

344 inclusive, is convicted of a crime involving an act of child abuse or
345 neglect as described in section 46b-120 or a violation of section 53-21,
346 53a-71 or 53a-73a, the state's attorney for the judicial district in which
347 the conviction occurred shall in writing notify the superintendent of
348 the school district or the supervisory agent of the nonpublic school in
349 which the person is employed and the Commissioner of Education of
350 such conviction.

351 (d) For the purposes of receiving and making reports, notifying and
352 receiving notification, or investigating, pursuant to the provisions of
353 sections 17a-101a to 17a-101h, inclusive, as amended by this act, and
354 17a-103, a superintendent of a school district or a supervisory agent of
355 a nonpublic school may assign a designee to act on such
356 superintendent's or agent's behalf.

357 (e) On or before February 1, [1997] 2012, each local and regional
358 board of education shall adopt a written policy, in accordance with the
359 provisions of subsection (e) of section 17a-101, as amended by this act,
360 regarding the reporting by school employees, as defined in section 53a-
361 65, of suspected child abuse in accordance with sections 17a-101a to
362 17a-101d, inclusive, as amended by this act, and 17a-103. Such policy
363 shall be distributed annually to all school employees employed by the
364 local or regional board of education. The local or regional board of
365 education shall document that all such school employees have
366 received such written policy and completed the training and refresher
367 training programs required by subsection (c) of section 17a-101, as
368 amended by this act.

369 (f) (1) On and after July 1, 2011, all school employees, as defined in
370 section 53a-65, hired by a local or regional board of education on or
371 after said date shall be required to complete the training program
372 developed pursuant to subsection (c) of section 17a-101, as amended
373 by this act. All such school employees shall complete the refresher
374 training program, developed pursuant to subsection (c) of section 17a-
375 101, as amended by this act, not later than three years after completion

376 of the initial training program, and shall thereafter retake such
377 refresher training course at least once every three years.

378 (2) On or before July 1, 2012, all school employees, as defined in
379 section 53a-65, hired by a local or regional board of education before
380 July 1, 2011, shall complete the refresher training program developed
381 pursuant to subsection (c) of section 17a-101, as amended by this act,
382 and shall thereafter retake such refresher training course at least once
383 every three years.

384 Sec. 5. Subsection (a) of section 10-220a of the general statutes is
385 repealed and the following is substituted in lieu thereof (*Effective July*
386 *1, 2011*):

387 (a) Each local or regional board of education shall provide an in-
388 service training program for its teachers, administrators and pupil
389 personnel who hold the initial educator, provisional educator or
390 professional educator certificate. Such program shall provide such
391 teachers, administrators and pupil personnel with information on (1)
392 the nature and the relationship of drugs, as defined in subdivision (17)
393 of section 21a-240, and alcohol to health and personality development,
394 and procedures for discouraging their abuse, (2) health and mental
395 health risk reduction education which includes, but need not be
396 limited to, the prevention of risk-taking behavior by children and the
397 relationship of such behavior to substance abuse, pregnancy, sexually
398 transmitted diseases, including HIV-infection and AIDS, as defined in
399 section 19a-581, violence, teen dating violence, domestic violence, child
400 abuse and youth suicide, (3) the growth and development of
401 exceptional children, including handicapped and gifted and talented
402 children and children who may require special education, including,
403 but not limited to, children with attention-deficit hyperactivity
404 disorder or learning disabilities, and methods for identifying, planning
405 for and working effectively with special needs children in a regular
406 classroom, (4) school violence prevention, conflict resolution and
407 prevention of bullying, as defined in subsection (a) of section 10-222d,

except that those boards of education that implement an evidence-based model approach, consistent with subsection (d) of section 10-145a, [subsection (a) of section 10-220a,] sections 10-222d, 10-222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of public act 08-160, shall not be required to provide in-service training on prevention of bullying, (5) cardiopulmonary resuscitation and other emergency life saving procedures, (6) computer and other information technology as applied to student learning and classroom instruction, communications and data management, (7) the teaching of the language arts, reading and reading readiness for teachers in grades kindergarten to three, inclusive, [and] (8) second language acquisition in districts required to provide a program of bilingual education pursuant to section 10-17f, and (9) the requirements and obligations of a mandated reporter. Each local and regional board of education may allow any paraprofessional or noncertified employee to participate, on a voluntary basis, in any in-service training program provided pursuant to this section. The State Board of Education, within available appropriations and utilizing available materials, shall assist and encourage local and regional boards of education to include: (A) Holocaust education and awareness; (B) the historical events surrounding the Great Famine in Ireland; (C) African-American history; (D) Puerto Rican history; (E) Native American history; (F) personal financial management; (G) domestic violence and teen dating violence; and (H) topics approved by the state board upon the request of local or regional boards of education as part of in-service training programs pursuant to this subsection.

Sec. 6. Section 10-220 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state as defined in section 10-4a and provide such other educational activities as in its judgment will best serve the interests of the school district; provided any board of education may secure such

441 opportunities in another school district in accordance with provisions
442 of the general statutes and shall give all the children of the school
443 district as nearly equal advantages as may be practicable; shall provide
444 an appropriate learning environment for its students which includes
445 (1) adequate instructional books, supplies, materials, equipment,
446 staffing, facilities and technology, (2) equitable allocation of resources
447 among its schools, (3) proper maintenance of facilities, and (4) a safe
448 school setting; shall in accordance with the provisions of subsection (f)
449 of this section, maintain records of allegations, investigations and
450 reports that a child has been abused or neglected by a school employee
451 as defined in section 53a-65, employed by the local or regional board of
452 education; shall have charge of the schools of its respective school
453 district; shall make a continuing study of the need for school facilities
454 and of a long-term school building program and from time to time
455 make recommendations based on such study to the town; shall adopt
456 and implement an indoor air quality program that provides for
457 ongoing maintenance and facility reviews necessary for the
458 maintenance and improvement of the indoor air quality of its facilities;
459 shall adopt and implement a green cleaning program, pursuant to
460 section 10-231g, that provides for the procurement and use of
461 environmentally preferable cleaning products in school buildings and
462 facilities; shall report biennially to the Commissioner of Education on
463 the condition of its facilities and the action taken to implement its long-
464 term school building program, indoor air quality program and green
465 cleaning program, which report the Commissioner of Education shall
466 use to prepare a biennial report that said commissioner shall submit in
467 accordance with section 11-4a to the joint standing committee of the
468 General Assembly having cognizance of matters relating to education;
469 shall advise the Commissioner of Education of the relationship
470 between any individual school building project pursuant to chapter
471 173 and such long-term school building program; shall have the care,
472 maintenance and operation of buildings, lands, apparatus and other
473 property used for school purposes and at all times shall insure all such
474 buildings and all capital equipment contained therein against loss in

475 an amount not less than eighty per cent of replacement cost; shall
476 determine the number, age and qualifications of the pupils to be
477 admitted into each school; shall develop and implement a written plan
478 for minority staff recruitment for purposes of subdivision (3) of section
479 10-4a; shall employ and dismiss the teachers of the schools of such
480 district subject to the provisions of sections 10-151 and 10-158a; shall
481 designate the schools which shall be attended by the various children
482 within the school district; shall make such provisions as will enable
483 each child of school age residing in the district to attend some public
484 day school for the period required by law and provide for the
485 transportation of children wherever transportation is reasonable and
486 desirable, and for such purpose may make contracts covering periods
487 of not more than five years; may place in an alternative school
488 program or other suitable educational program a pupil enrolling in
489 school who is nineteen years of age or older and cannot acquire a
490 sufficient number of credits for graduation by age twenty-one; may
491 arrange with the board of education of an adjacent town for the
492 instruction therein of such children as can attend school in such
493 adjacent town more conveniently; shall cause each child five years of
494 age and over and under eighteen years of age who is not a high school
495 graduate and is living in the school district to attend school in
496 accordance with the provisions of section 10-184, and shall perform all
497 acts required of it by the town or necessary to carry into effect the
498 powers and duties imposed by law.

499 (b) The board of education of each local or regional school district
500 shall, with the participation of parents, students, school administrators,
501 teachers, citizens, local elected officials and any other individuals or
502 groups such board shall deem appropriate, prepare a statement of
503 educational goals for such local or regional school district. The
504 statement of goals shall be consistent with state-wide goals pursuant to
505 subsection (c) of section 10-4. Each local or regional board of education
506 shall develop student objectives which relate directly to the statement
507 of educational goals prepared pursuant to this subsection and which
508 identify specific expectations for students in terms of skills, knowledge

509 and competence.

510 (c) Annually, each local and regional board of education shall
511 submit to the Commissioner of Education a strategic school profile
512 report for each school under its jurisdiction and for the school district
513 as a whole. The superintendent of each local and regional school
514 district shall present the profile report at the next regularly scheduled
515 public meeting of the board of education after each November first.
516 The profile report shall provide information on measures of (1) student
517 needs, (2) school resources, including technological resources and
518 utilization of such resources and infrastructure, (3) student and school
519 performance, including truancy, (4) the number of students enrolled in
520 an adult high school credit diploma program, pursuant to section 10-
521 69, operated by a local or regional board of education or a regional
522 educational service center, (5) equitable allocation of resources among
523 its schools, (6) reduction of racial, ethnic and economic isolation, and
524 (7) special education. For purposes of this subsection, measures of
525 special education include (A) special education identification rates by
526 disability, (B) rates at which special education students are exempted
527 from mastery testing pursuant to section 10-14q, (C) expenditures for
528 special education, including such expenditures as a percentage of total
529 expenditures, (D) achievement data for special education students, (E)
530 rates at which students identified as requiring special education are no
531 longer identified as requiring special education, (F) the availability of
532 supplemental educational services for students lacking basic
533 educational skills, (G) the amount of special education student
534 instructional time with nondisabled peers, (H) the number of students
535 placed out-of-district, and (I) the actions taken by the school district to
536 improve special education programs, as indicated by analyses of the
537 local data provided in subparagraphs (A) to (H), inclusive, of this
538 subdivision. The superintendent shall include in the narrative portion
539 of the report information about parental involvement and if the district
540 has taken measures to improve parental involvement, including, but
541 not limited to, employment of methods to engage parents in the
542 planning and improvement of school programs and methods to

543 increase support to parents working at home with their children on
544 learning activities. For purposes of this subsection, measures of
545 truancy include the type of data that is required to be collected by the
546 Department of Education regarding attendance and unexcused
547 absences in order for the department to comply with federal reporting
548 requirements. Such truancy data shall be considered a public record
549 for purposes of chapter 14.

550 (d) Prior to January 1, 2008, and every five years thereafter, for
551 every school building that is or has been constructed, extended,
552 renovated or replaced on or after January 1, 2003, a local or regional
553 board of education shall provide for a uniform inspection and
554 evaluation program of the indoor air quality within such buildings,
555 such as the Environmental Protection Agency's Indoor Air Quality
556 Tools for Schools Program. The inspection and evaluation program
557 shall include, but not be limited to, a review, inspection or evaluation
558 of the following: (1) The heating, ventilation and air conditioning
559 systems; (2) radon levels in the air; (3) potential for exposure to
560 microbiological airborne particles, including, but not limited to, fungi,
561 mold and bacteria; (4) chemical compounds of concern to indoor air
562 quality including, but not limited to, volatile organic compounds; (5)
563 the degree of pest infestation, including, but not limited to, insects and
564 rodents; (6) the degree of pesticide usage; (7) the presence of and the
565 plans for removal of any hazardous substances that are contained on
566 the list prepared pursuant to Section 302 of the federal Emergency
567 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8)
568 ventilation systems; (9) plumbing, including water distribution
569 systems, drainage systems and fixtures; (10) moisture incursion; (11)
570 the overall cleanliness of the facilities; (12) building structural
571 elements, including, but not limited to, roofing, basements or slabs;
572 (13) the use of space, particularly areas that were designed to be
573 unoccupied; and (14) the provision of indoor air quality maintenance
574 training for building staff. Local and regional boards of education
575 conducting evaluations pursuant to this subsection shall make
576 available for public inspection the results of the inspection and

577 evaluation at a regularly scheduled board of education meeting and on
578 the board's or each individual school's web site.

579 (e) Each local and regional board of education shall establish a
580 school district curriculum committee. The committee shall
581 recommend, develop, review and approve all curriculum for the local
582 or regional school district.

583 (f) Each local and regional board of education shall maintain in a
584 central location all records of allegations, investigations and reports
585 that a child has been abused or neglected by a school employee as
586 defined in section 53a-65, employed by the local or regional board of
587 education, pursuant to sections 17a-101a to 17a-101d, inclusive, as
588 amended by this act, and section 17a-103. Such records shall include
589 any reports made to the Department of Children and Families. The
590 Department of Education shall have access to such records.

591 Sec. 7. (NEW) (*Effective July 1, 2011*) (a) If the Commissioner of
592 Children and Families suspects or knows that a mandated reporter, as
593 defined in section 17a-101 of the general statutes, as amended by this
594 act, employed by a local or regional board of education, has failed to
595 make a report that a child has been abused or neglected or placed in
596 immediate risk of serious harm within the time period prescribed in
597 sections 17a-101a to 17a-101d, inclusive, of the general statutes, as
598 amended by this act, and section 17a-103 of the general statutes, the
599 commissioner shall make a record of such delay and develop and
600 maintain a database of such records. The commissioner shall
601 investigate such delayed reporting. Such investigation shall be
602 conducted in accordance with the policy developed in subsection (b) of
603 this section, and include the actions taken by the employing local or
604 regional board of education or superintendent of schools for the
605 district in response to such employee's failure to report.

606 (b) The Department of Children and Families shall develop a policy
607 for the investigation of delayed reports by mandated reporters. Such
608 policy shall include, but not be limited to, when referrals to the

609 appropriate law enforcement agency for delayed reporting are
610 required and when the department shall require mandated reporters
611 who have been found to have delayed making a report to participate in
612 the educational and training program pursuant to subsection (d) of
613 section 17a-101 of the general statutes, as amended by this act.

614 Sec. 8. Section 17a-101a of the general statutes is repealed and the
615 following is substituted in lieu thereof (*Effective July 1, 2011*):

616 Any mandated reporter, as defined in section 17a-101, as amended
617 by this act, who in the ordinary course of such person's employment or
618 profession has reasonable cause to suspect or believe that any child
619 under the age of eighteen years (1) has been abused or neglected, as
620 defined in section 46b-120, (2) has had nonaccidental physical injury,
621 or injury which is at variance with the history given of such injury,
622 inflicted upon such child, or (3) is placed at imminent risk of serious
623 harm, shall report or cause a report to be made in accordance with the
624 provisions of sections 17a-101b to 17a-101d, inclusive, as amended by
625 this act. Any person required to report under the provisions of this
626 section who fails to make such report or fails to make such report
627 within the time period prescribed in sections 17a-101b to 17a-101d,
628 inclusive, as amended by this act, and section 17a-103 shall be fined
629 not less than five hundred dollars nor more than two thousand five
630 hundred dollars and shall be required to participate in an educational
631 and training program pursuant to subsection (d) of section 17a-101, as
632 amended by this act. The Commissioner of Children and Families or
633 the commissioner's designee, shall promptly notify the Chief State's
634 Attorney when there is reason to believe that any such person has
635 failed to make a report in accordance with this section.

636 Sec. 9. Section 17a-101c of the general statutes is repealed and the
637 following is substituted in lieu thereof (*Effective July 1, 2011*):

638 [Within] Not later than forty-eight hours [of] after making an oral
639 report, a mandated reporter shall submit a written report to the
640 Commissioner of Children and Families or [his] the commissioner's

641 representative. When a mandated reporter is a member of the staff of a
642 public or private institution or facility that provides care for such child
643 or public or private school [he] the reporter shall also submit a copy of
644 the written report to the person in charge of such institution, school or
645 facility or the person's designee. In the case of a report concerning a
646 school employee holding a certificate, authorization or permit issued
647 by the State Board of Education under the provisions of sections 10-
648 144o to 10-146b, inclusive, and 10-149, a copy of the written report
649 shall also be sent by the [person in charge of such institution, school or
650 facility] Commissioner of Children and Families or the commissioner's
651 designee to the Commissioner of Education or [his] the Commissioner
652 of Education's representative. In the case of an employee of a facility or
653 institution that provides care for a child which is licensed by the state,
654 a copy of the written report shall also be sent by the [mandated
655 reporter] Commissioner of Children and Families to the executive head
656 of the state licensing agency.

657 Sec. 10. (NEW) (*Effective July 1, 2011*) When the Commissioner of
658 Children and Families receives a report from a person not designated
659 as a mandated reporter pursuant to section 17a-101 of the general
660 statutes, as amended by this act, that such person has reasonable cause
661 to suspect or believe that any child under the age of eighteen years (1)
662 has been abused or neglected, as defined in section 46b-120 of the
663 general statutes, (2) has had nonaccidental physical injury, or injury
664 which is at variance with the history given of such injury, inflicted
665 upon such child, or (3) is placed at imminent risk of serious harm by a
666 school employee, as defined in section 53a-65 of the general statutes,
667 holding a certificate, authorization or permit issued by the State Board
668 of Education under the provisions of sections 10-144o to 10-146b,
669 inclusive, of the general statutes and section 10-149 of the general
670 statutes, a copy of such report shall be sent by the Commissioner of
671 Children and Families to the Commissioner of Education.

672 Sec. 11. Subsection (d) of section 17a-101b of the general statutes is
673 repealed and the following is substituted in lieu thereof (*Effective July*

674 1, 2011):

675 (d) Whenever a mandated reporter, as defined in section 17a-101, as
676 amended by this act, has reasonable cause to suspect or believe that
677 any child has been abused or neglected by a member of the staff of a
678 public or private institution or facility that provides care for such child
679 or a public or private school, the mandated reporter shall report as
680 required in subsection (a) of this section. The Commissioner of
681 Children and Families or the commissioner's designee shall notify the
682 principal, headmaster, executive director or other person in charge of
683 such institution, facility or school, or the person's designee, unless such
684 person is the alleged perpetrator of the abuse or neglect of such child.
685 In the case of a public school, the commissioner shall also notify the
686 person's employing superintendent. Such person in charge, or such
687 person's designee, shall then immediately notify the child's parent or
688 other person responsible for the child's care that a report has been
689 made.

690 Sec. 12. (NEW) (*Effective July 1, 2011*) A local or regional board of
691 education shall provide the Commissioner of Children and Families
692 upon request and for the purposes of an investigation by the
693 commissioner of suspected child abuse or neglect by a teacher
694 employed by such board of education, any records maintained or kept
695 on file by such board of education. Such records shall include, but not
696 be limited to, supervisory records, reports of competence, personal
697 character and efficiency maintained in such teacher's personnel file
698 with reference to evaluation of performance as a professional
699 employee of such board of education, and records of the personal
700 misconduct of such teacher. For purposes of this section, "teacher"
701 includes each certified professional employee below the rank of
702 superintendent employed by a board of education in a position
703 requiring a certificate issued by the State Board of Education.

704 Sec. 13. (NEW) (*Effective July 1, 2011*) A local or regional board of
705 education shall permit and give priority to any investigation

706 conducted by the Commissioner of Children and Families or the
707 appropriate local law enforcement agency that a child has been abused
708 or neglected pursuant to sections 17a-101a to 17a-101d, inclusive, of the
709 general statutes, as amended by this act, and section 17a-103 of the
710 general statutes. Such board of education shall conduct its own
711 investigation and take any disciplinary action, in accordance with the
712 provisions of section 17a-101i of the general statutes, as amended by
713 this act, upon notice from the commissioner or the appropriate local
714 law enforcement agency that such board's investigation will not
715 interfere with the investigation of the commissioner or such local law
716 enforcement agency.

717 Sec. 14. (NEW) (*Effective July 1, 2011*) (a) The Department of
718 Children and Families shall conduct, at least annually, random quality
719 assurance reviews of reports and investigations that a child has been
720 abused or neglected by a school employee, as defined in section 53a-65
721 of the general statutes. If, as a result of such review, the department
722 discovers any issues in any report or investigation, the department
723 shall take any necessary action to correct or satisfy such problem or
724 issue. The department shall use such reviews to assess the quality and
725 conduct of such investigations.

726 (b) The Department of Children and Families shall review, at least
727 annually, with the Department of Education all records and
728 information relating to reports and investigations that a child has been
729 abused and neglected by a school employee, as defined in section 53a-
730 65 of the general statutes, in the departments' possession to ensure that
731 records and information are being shared properly. The departments
732 shall address and correct any omissions or other problems in the
733 records and information-sharing process of the departments.

734 Sec. 15. Section 17a-101d of the general statutes is repealed and the
735 following is substituted in lieu thereof (*Effective July 1, 2011*):

736 All oral and written reports required in sections 17a-101a to 17a-
737 101c, inclusive, as amended by this act, and section 17a-103, shall

738 contain, if known: (1) The names and addresses of the child and his
739 parents or other person responsible for his care; (2) the age of the child;
740 (3) the gender of the child; (4) the nature and extent of the child's
741 injury or injuries, maltreatment or neglect; (5) the approximate date
742 and time the injury or injuries, maltreatment or neglect occurred; (6)
743 information concerning any previous injury or injuries to, or
744 maltreatment or neglect of, the child or his siblings; (7) the
745 circumstances in which the injury or injuries, maltreatment or neglect
746 came to be known to the reporter; (8) the name of the person or
747 persons suspected to be responsible for causing such injury or injuries,
748 maltreatment or neglect; (9) the reasons such person or persons are
749 suspected of causing such injury or injuries, maltreatment or neglect;
750 (10) any information concerning any prior cases in which such person
751 or persons have been suspected of causing an injury, maltreatment or
752 neglect of a child; and [(9)] (11) whatever action, if any, was taken to
753 treat, provide shelter or otherwise assist the child.

754 Sec. 16. Subsection (a) of section 17a-101g of the general statutes is
755 repealed and the following is substituted in lieu thereof (*Effective July*
756 *1, 2011*):

757 (a) Upon receiving a report of child abuse or neglect, as provided in
758 sections 17a-101a to 17a-101c, inclusive, as amended by this act, or
759 section 17a-103, in which the alleged perpetrator is (1) a person
760 responsible for such child's health, welfare or care, (2) a person given
761 access to such child by such responsible person, or (3) a person
762 entrusted with the care of a child, the Commissioner of Children and
763 Families, or the commissioner's designee, shall cause the report to be
764 classified and evaluated immediately. If the report contains sufficient
765 information to warrant an investigation, the commissioner shall make
766 the commissioner's best efforts to commence an investigation of a
767 report concerning an imminent risk of physical harm to a child or other
768 emergency within two hours of receipt of the report and shall
769 commence an investigation of all other reports within seventy-two
770 hours of receipt of the report. If the alleged perpetrator is a school

771 employee, as defined in section 53a-65, or is employed by an
772 institution or facility licensed or approved by the state to provide care
773 for children, the department shall notify the Department of Education
774 or the state agency that has issued such license or approval to the
775 institution or facility of the report and the commencement of an
776 investigation by the Commissioner of Children and Families. The
777 department shall complete any such investigation not later than forty-
778 five calendar days after the date of receipt of the report. If the report is
779 a report of child abuse or neglect in which the alleged perpetrator is
780 not a person specified in subdivision (1), (2) or (3) of this subsection,
781 the Commissioner of Children and Families shall refer the report to the
782 appropriate local law enforcement authority for the town in which the
783 child resides or in which the alleged abuse or neglect occurred.

784 Sec. 17. Section 17a-101h of the general statutes is repealed and the
785 following is substituted in lieu thereof (*Effective July 1, 2011*):

786 Notwithstanding any provision of the general statutes, [to the
787 contrary,] any person authorized to conduct an investigation of abuse
788 or neglect shall coordinate investigatory activities in order to minimize
789 the number of interviews of any child and share information with
790 other persons authorized to conduct an investigation of child abuse or
791 neglect, as appropriate. A person reporting child abuse or neglect shall
792 provide any person authorized to conduct an investigation of child
793 abuse or neglect with all information related to the investigation that is
794 in the possession or control of the person reporting child abuse or
795 neglect, except as expressly prohibited by state or federal law. The
796 commissioner shall obtain the consent of parents or guardians or other
797 persons responsible for the care of the child to any interview with a
798 child, except that such consent shall not be required when the
799 department has reason to believe such parent or guardian or other
800 person responsible for the care of the child or member of the child's
801 household is the perpetrator of the alleged abuse. If consent is not
802 required to conduct the interview, such interview shall be conducted
803 in the presence of a disinterested adult unless immediate access to the

804 child is necessary to protect the child from imminent risk of physical
 805 harm and a disinterested adult is not available after reasonable search.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	10-221d
Sec. 2	July 1, 2011	17a-28(f)
Sec. 3	July 1, 2011	17a-101
Sec. 4	July 1, 2011	17a-101i
Sec. 5	July 1, 2011	10-220a(a)
Sec. 6	July 1, 2011	10-220
Sec. 7	July 1, 2011	New section
Sec. 8	July 1, 2011	17a-101a
Sec. 9	July 1, 2011	17a-101c
Sec. 10	July 1, 2011	New section
Sec. 11	July 1, 2011	17a-101b(d)
Sec. 12	July 1, 2011	New section
Sec. 13	July 1, 2011	New section
Sec. 14	July 1, 2011	New section
Sec. 15	July 1, 2011	17a-101d
Sec. 16	July 1, 2011	17a-101g(a)
Sec. 17	July 1, 2011	17a-101h

Statement of Purpose:

To improve the sharing of information relating to reports of child abuse and neglect by school employees between the Departments of Children and Families and Education and school districts.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. LYDDY, 106th Dist.

H.B. 5433, 5435, 5428, 5755